

**FILED**

SEP 16 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY SH DEPUTY CLERK

Gene R. Matthews III #BP7876  
Name and Prisoner/Booking Number  
CSP - Sacramento  
Place of Confinement  
P.O. Box 290066  
Mailing Address  
Represca, California 95671  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Gene Raymond Matthews III  
(Full Name of Plaintiff) Plaintiff,

v.

CASE NO. 2:22cv1633

(To be supplied by the Clerk)

(1) S. Ramos, sued in individual Capacity  
(Full Name of Defendant)

(2) G. King, sued in individual Capacity

(3) Sgt. O. Ujeda sued in individual/official Capacity

(4) John Doe C.O.'s 1-3, sued in individual Capacity  
Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them.

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983  
☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).  
☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: North Kern State Prison, Delano, California.

(5) John Doe R.N. Sued in individual Capacity

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**B. DEFENDANTS**

1. Name of first Defendant: S. Ramos The first Defendant is employed as:  
Correctional Officer at North Kern State Prison  
(Position and Title) (Institution)
2. Name of second Defendant: G. King The second Defendant is employed as:  
Correctional Officer at North Kern State Prison  
(Position and Title) (Institution)
3. Name of third Defendant: O. Ujeda The third Defendant is employed as:  
Sergeant at North Kern State Prison  
(Position and Title) (Institution)
4. Name of fourth Defendant: John Doe 1-3 The fourth Defendant is employed as:  
Correctional Officers at North Kern State Prison  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

b. Second prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

c. Third prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

B. Defendants

1 Name Of fifth Defendant: John Doe R.N.'S. The fifth  
2 Defendant is employed as: Registered Nurse at  
3 North Kern State Prison  
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## D. CAUSE OF ACTION

## CLAIM I

1. State the constitutional or other federal civil right that was violated: Plaintiff Was Subjected To Cruel and Unusual Punishment In Violation of The Eighth Amendment To The Constitution.

2. Claim I. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |  |   |                                       |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail                        | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property                    | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each** Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1. The plaintiff GENE RAYMOND MATTHEWS III made the CDCR prison officials at NORTH KERN STATE PRISON aware that CDCR employees were in collusion against him to have him killed via 602 grievance form.

2. As to the claim in paragraph 1, the N.K.S.P prison officials knew of the Emergency 602 and did nothing.

3. November 19, 2021 on North Kern State Prison Facility "B" Building "3" directly after a 602 interview for that very 602 the Defendants S. Ramos and G. King incited violence.

4. The Defendant G. King who was working in the Building "3" tower on November 19, 2021, at the behest of the Defendant S. Ramos opened the plaintiff's cell door cell 131L knowing the plaintiff to be the only inmate housed in cell 131L encouraging three inmates to

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

A busted open upper lip, left swollen eye, right swollen eye, right knee abrasions, left shin abrasions, abrasions to wrist, loose left upper teeth, deep cut to the right eyebrow, loss of good time work time credit, mental and emotional distress.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

D. Cause Of Action (Cont.)

1 Defendants S. Ramos and G. King violated the plaintiff's  
2 right to be free from cruel and unusual punishment, By  
3 colluding against the plaintiff with malicious and sadistic  
4 intent, inciting, and opening his cell door, allowing three  
5 inmates to attack the plaintiff intentionally to cause  
6 harm.

7  
8 Defendants S. Ramos and G. King violated the plain-  
9 tiff's right to be free from cruel and unusual  
10 punishment by watching three inmate pummel  
11 the disabled plaintiff and not intervening.

12  
13  
14 Plaintiff Was Denied Due Process Under The  
15 Fourteenth Amendment To The Constitution

16  
17 Defendants S. Ramos and G. King violated the plain-  
18 tiff's fourteenth Amendment right to due process  
19 by denying him the Equal Protection of the law  
20 as a ADA. Plaintiff is a American With A Dis-  
21 ability



## 3. Supporting facts (Cont.)

1 enter the plaintiff's cell and attack him.

2

3 5. The Defendants S. Ramos and G. King watched the  
4 attack take place and did not intervene.

5

6 6. Once the attack subsided Correctional Officers Kicked  
7 the plaintiff in the head and punched him in the face  
8 as the plaintiff was prone out on his stomach bleed-  
9 ing profusely.

10

11 7. The plaintiff is a American With A Disability who  
12 uses a walker to ambulate.

13

14 8. As to the claim in paragraph 7, the Defendants  
15 knew the plaintiff was ADA.

16

17 9. The Defendants S. Ramos and G. King lacked the  
18 penological and/or security justification to treat  
19 the plaintiff in the manner as described above.

20

21 10. The Defendant S. Ramos charged the plaintiff with a  
22 false RVR.

23

24 11. The Defendants S. Ramos and G. King acted wantonly,  
25 maliciously, and willfully.

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## CLAIM II

1. State the constitutional or other federal civil right that was violated: Plaintiff Was Subject To Cruel and Unusual Punishment In Violation of The Eighth Amendment To The Constitution

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

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|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities                        | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings                 | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1. On November 19, 2021 in a holding cell on NORTH KERN STATE PRISON facility "B" patio the plaintiff GENE RAYMOND MATTHEWS III was approached by Sergeant O. Ujeda and approximately 1-3 John Doe C.O.'s

2. The plaintiff began elaborating on the subject of the 602 the plaintiff had filed and the fact that the Correctional Officers G. King and S. Ramos had just set the plaintiff up to be attacked and that act was not legal and violated his constitutional rights.

3. As to the claim in paragraph 2, Sergeant O. Ujeda ignored the plaintiff.

4. Unprovoked suddenly the Defendant Sergeant O. Ujeda sprayed the plaintiff with O.C. pepper spray directly in the facial area of the plaintiff's wounded bloody face, impairing his vision.

5. The plaintiff was swooped upon, handcuffed roughly, so tight he immediately felt the handcuffs were restricting circulation to his hands, he was drug over to an adjacent holding cell on the patio.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Abrasions to the face and forehead, loss of dreadlocked hair, choking drowning and loss of oxygen, mental and emotional distress, loss of good time work time credit.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_



1 Defendant Sergeant O. Ujeda violated the plaintiff's  
2 Eighth Amendment right to be free from cruel and  
3 Unusual punishment by spraying the plaintiff with O.C.  
4 pepper spray for no reason.

5  
6 The Defendants Sergeant O. Ujeda and John Doe  
7 C.O.'S 1-3 violated the plaintiff's Eighth Amendment  
8 by holding the plaintiff forcefully under a stream of  
9 water until the point of choking and loss of oxygen  
10 and dreadlocked hair.

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13 Plaintiff Was Denied Due Process Under The Fourteenth  
14 Amendment To The Constitution.

15  
16 The Defendants Sergeant O. Ujeda and John Doe C.O.'S  
17 1-3 violated the plaintiff's Fourteenth Amendment  
18 right to Due Process by depriving the plaintiff of  
19 an opportunity to aggrieve the conditions of his  
20 confinement.

21  
22 The Defendants Sergeant O. Ujeda and John Doe C.O.'S  
23 1-3 violated the plaintiff's Fourteenth Amendment  
24 right to Due Process by writing a false RVR.

3. Supporting Facts (Cont.)

1 6. The Defendants Sergeant O. Ujeda and John Doe  
2 C.O.'S 1-3 grabbed the plaintiff by the hair and  
3 neck forcefully holding the plaintiff under a down-  
4 pour of water, slammed his face against the  
5 holding cell gate, until the point of choking,  
6 drowning, abrasion to the forehead, loss of oxygen  
7 and hair while cuffed behind his back.

8  
9 7. The Defendants Sergeant O. Ujeda and John Doe  
10 C.O.'S 1-3 cursed, taunting the plaintiff with threats  
11 , racial epithets and other unprofessional remarks.

12  
13 8. Finally, the plaintiff was taken to the Administrative  
14 Segregation Unit. The Defendant Sergeant O. Ujeda  
15 charged the plaintiff with a false RVR.

16  
17 9. The Defendants Sergeant O. Ujeda and John Doe  
18 C.O.'S 1-3 lacked the penological and/or security  
19 justification to treat the plaintiff in the manner  
20 as described above.

21  
22 10. The Defendants Sergeant O. Ujeda and John Doe  
23 C.O.'S 1-3 acted wantonly, maliciously and  
24 willfully.

## CLAIM III

1. State the constitutional or other federal civil right that was violated: Plaintiff Was Denied Due Process Under The Fourteenth Amendment To The Constitution

2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

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|--|---|---|--|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation             |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |  |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1. On November 19, 2021 at NORTH KERN STATE PRISON on the Facility "B" patio the plaintiff was suffering from several injuries and bleeding profusely.

2. The plaintiff was denied proper medical treatment by John Doe medical staff at NORTH KERN STATE PRISON.

3. As to the claim in paragraph 2, the plaintiff was never given treatment at all.

4. The Defendants lacked the penological and/or security justification to treat the plaintiff in the manner as described above.

5. The Defendants acted wantonly, maliciously and willfully.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

No medical treatment for: a busted open upper lip, left swollen eye, right swollen eye, right knee abrasions, left shin abrasions, abrasions to wrist, loose left upper teeth, deep cut to right eye brow, pain and suffering, mental and emotional, difficulty healing,

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

1 The Defendants John Doe R.N. violated the  
2 plaintiff's Fourteenth Amendment right to due  
3 process by refusing proper medical treatment.  
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E. REQUEST FOR RELIEF

State the relief you are seeking:

WHEREFORE, Plaintiff respectfully prays that this court: A. Declare that the acts and omissions described herein violated Plaintiff's rights under the constitution and laws of the United States; B. Order the Defendants to pay compensatory damages of \$511,897.00 Punitive Damages of \$648,098.00. C. Grant a preliminary injunction to stop the malicious and repressive treatment of the plaintiff such as institutional racism, solicitation of the plaintiff's murder, and false documentation. D. Grant other just and equitable relief that this Honorable Court deems necessary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

9/10/22  
DATE

Gene R. Matthews III  
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

Note: Please read!

The Plaintiff GENE RAYMOND MATTHEWS III filled out this Civil Rights Complaint while he was housed in CSP - SAC. The plaintiff was transferred. His new address is as follows:

"Gene R. Matthews #B07876"

Richard J. Donovan Correctional Facility  
480 Alta Road  
San Diego, Ca 92179

OVER →



The Plaintiff was deliberately hindered in the assistance area of getting things handled accordingly. The plaintiff had to send out this USC 1983 on 9-10-22 at RJD. But it was completed at CSP-SAC.